

Message Text

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C O N F I D E N T I A L ASUNCION 3445

E.O. 11652: GDS
TAGS: PGOV, SHUM, PINT, PA
SUBJ: STIFF JAIL SENTENCE FOR OPPOSITION LEADER MAY SPARK
INTERNATIONAL CRITICISM OF GOP

1. SUMMARY. DR. MIGUEL ANGEL MARTINEZ YARYES, PROMINENT ASUNCION PHYSICIAN, LEADER OF THE RADICAL LIBERAL PARTY (MAJORITY BUT UNOFFICIAL FACTION), AND TITULAR HEAD OF THE "UNITED LIBERALS", HAS BEEN FOUND GUILTY OF DEFAMATION AND SLANDER AGAINST BRIGADIER GENERAL OTTELO CARPINELLI YEGROS. HE HAS RECEIVED A STIFF JAIL SENTENCE OF 29 MONTHS, WHICH HEA HAS APPEALED. PENDING THE OUTCOME OF HIS APPEAL DR. MARTINEZ YARYES REMAINS FREE. THIS CASE HAS INTERNATIONAL IMPLICATIONS AND MAY STIR UP A HORNET'S NEST OF PROTESTS ABROAD AGAINST THE PARAGUAYAN GOVERNMENT, A FACT WE HAVE MENTIONED TO THE GOP. END SUMMARY.

2. BACKGROUND. MARTINEZ YARYES WAS THE DIRECTOR OF THE OPPOSITION WEEKLY "EL RADICAL" AT THE TIME (JULY 1975) WHEN THE NEWSPAPER PUBLISHED AN ARTICLE ACCUSING GENERAL CARPINELLI'S TROOPS OF EVICTING PEASANTS FROM THEIR HOMES IN EASTERN PARAGUAY, AND DESTROYING THEIR PROPERTY SO THAT THE GENERAL COULD SELL THE LAND TO A FOREIGN DEVELOPMENT COMPANY. IN THE FUROR WHICH ATTENDED THE PUBLICATION OF THIS STORY, A KEY EYE WITNESS, DOROTEO GRANDEL, DISAPPEARED AND IS WIDELY BELIEVED TO HAVE BEEN MURDERED BY CARPINELLI. (ANOTHER POPULAR VERSION IS THAT GRANDEL IS BEING

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HELD PRISONER BY CARPINELLI AT THE SECOND INFANTRY DIVISION HEADQUARTERS.) TWO OTHER EYEWITNESSES REPUDIATED WRITTEN DENUNCIATIONS REPORTEDLY AFTER THEY HAD BEEN SEVERELY TORTURED. MARTINEZ YARYES HIMSELF WAS ARRESTED ON JULY 8, 1975 AND HELD INCOMMUNICADO FOR SIX DAYS, BUT THEN WAS SET FREE PENDING THE OUTCOME OF THE JUDGE'S REVIEW OF HIS CASE.

3. THE CASE HAS DRAGGED ON FOR OVER TWO YEARS, MOST LOCAL OBSERVERS REFUSING TO TAKE IT SERIOUSLY. AS RECENTLY AS LAST WEEK, DURING THE VISIT OF ASSISTANT SECRETARY TODMAN, EMBASSY OFFICERS WERE ASSURED BY GOP OFFICIALS THAT THE CASE WOULD EVENTUALLY BE THROWN OUT OF COURT OR AT WORSE MARTINEZ YARYES WOULD BE REQUIRED TO PAY A FINE. THE CASE IS UNPRECEDENTED IN THAT THE DEFENDENT RECEIVED A PRISON SENTENCE AT ALL, AND A STIFF ONE (BY PARAGUAYAN STANDARDS) AT THAT.

4. MARTINEZ YARYES WHO REMAINS FREE HAS APPEALED. THE LEADERSHIP OF THE MAJORITY FACTION OF THE RADICAL LIBERAL PARTY IS INCENSED AND IS THREATENING TO MOUNT AN INTERNATIONAL CAMPAIGN TO FOCUS ATTENTION ON WHAT THEY REGARD AS THE LATEST EXAMPLE OF FRAUDULENT PARAGUAYAN JUSTICE. THEY SEE THE CASE AS PART AND PARCEL OF A SYSTEMATIC EFFORT BY THE GOP TO DESTROY THE LEADERSHIP OF THE MAJORITY FACTION OF THE LIBERAL PARTIES, AGAINST WHOM STROESSNER IS SAID TO HAVE DEVELOPED A PERSONAL GRUDGE BECAUSE THEY BOYCOTTED THE CONSTITUTIONAL CONVENTION EARLIER THIS YEAR WHICH DECIDED TO AMEND THE CONSTITUTION TO ALLOW STROESSNER TO SUCCEED HIMSELF IN 1978. SIMILAR CASES ARE PENDING AGAINST FOUR OTHER LIBERAL LEADERS.

5. THE EMBASSY HAS MADE KNOWN ITS CONCERN TO INFLUENTIAL MEMBERS OF THE GOP THAT MARTINEZ YARYES NOT BE THE OBJECT OF CAVALIER TREATMENT, NOTING THAT AT A TIME WHEN PARAGUAY IS RISKING SANCTIONS BECAUSE OF ITS FAILURE TO PREVENT
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HUMAN RIGHTS VIOLATIONS OR TAKE POSITIVE STEPS TO PROTECT ITS INTERNATIONAL REPUTATION, IT CANNOT AFFORD TO COURT MORE TROUBLE ABORAD.
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